

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 265

To amend the San Juan Basin Wilderness Protection Act of 1984 to designate additional lands as wilderness and to establish the Fossil Forest Research Natural Area, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 24 (legislative day, JANUARY 10), 1995

Mr. DOMENICI (for himself and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the San Juan Basin Wilderness Protection Act of 1984 to designate additional lands as wilderness and to establish the Fossil Forest Research Natural Area, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Bisti/De-Na-Zin  
5       Wilderness Expansion and Fossil Forest Protection Act”.

1 **SEC. 2. BISTI/DE-NA-ZIN WILDERNESS.**

2 (a) WILDERNESS DESIGNATION.—Section 102 of the  
3 San Juan Basin Wilderness Protection Act of 1984 (98  
4 Stat. 3155) is amended—

5 (1) in subsection (a)—

6 (A) by striking “wilderness, and, there-  
7 fore,” and all that follows through “Sys-  
8 tem—” and inserting “wilderness areas, and as  
9 one component of the National Wilderness  
10 Preservation System, to be known as the ‘Bisti/  
11 De-Na-Zin Wilderness’—”;

12 (B) in paragraph (1), by striking “, and  
13 which shall be known as the Bisti Wilderness;  
14 and” and inserting a semicolon;

15 (C) in paragraph (2), by striking “, and  
16 which shall be known as the De-Na-zin Wilder-  
17 ness.” and inserting “; and”; and

18 (D) by adding at the end the following new  
19 paragraph:

20 “(3) certain lands in the Farmington District of  
21 the Bureau of Land Management, New Mexico,  
22 which comprise approximately 16,674 acres, as gen-  
23 erally depicted on a map entitled ‘Bisti/De-Na-Zin  
24 Wilderness Amendment Proposal’, dated May  
25 1992.”;

1           (2) in the first sentence of subsection (c), by in-  
2       serting after “of this Act” the following: “with re-  
3       gard to the areas described in paragraphs (1) and  
4       (2) of subsection (a), and as soon as practicable  
5       after the date of enactment of subsection (a)(3) with  
6       regard to the area described in subsection (a)(3)”;

7           (3) in subsection (d), by inserting after “of this  
8       Act” the following: “with regard to the areas de-  
9       scribed in paragraphs (1) and (2) of subsection (a),  
10      and where established prior to the date of enactment  
11      of subsection (a)(3) with regard to the area de-  
12      scribed in subsection (a)(3)”;

13          (4) by adding at the end the following new sub-  
14      section:

15      “(e)(1) Subject to valid existing rights, the lands de-  
16      scribed in subsection (a)(3) are withdrawn from all forms  
17      of appropriation under the mining laws and from disposi-  
18      tion under all laws pertaining to mineral leasing, geo-  
19      thermal leasing, and mineral material sales.

20      “(2) The Secretary of the Interior may issue coal  
21      leases in New Mexico in exchange for any preference right  
22      coal lease application within the area described in sub-  
23      section (a)(3). Such exchanges shall be made in accord-  
24      ance with applicable existing laws and regulations relating  
25      to coal leases after a determination has been made by the

1 Secretary that the applicant is entitled to a preference  
2 right lease and that the exchange is in the public interest.

3 “(3) Operations on oil and gas leases issued prior to  
4 the date of enactment of subsection (a)(3) shall be subject  
5 to the applicable provisions of Group 3100 of title 43,  
6 Code of Federal Regulations (including section 3162.5–  
7 1), and such other terms, stipulations, and conditions as  
8 the Secretary of the Interior considers necessary to avoid  
9 significant disturbance of the land surface or impairment  
10 of the ecological, educational, scientific, recreational, sce-  
11 nic, and other wilderness values of the lands described in  
12 subsection (a)(3) in existence on the date of enactment  
13 of subsection (a)(3).”.

14 (b) EXCHANGES FOR STATE LANDS.—Section 104 of  
15 the San Juan Basin Wilderness Protection Act of 1984  
16 (98 Stat. 3156) is amended—

17 (1) in the first sentence of subsection (b), by in-  
18 serting after “of this Act” the following: “with re-  
19 gard to the areas described in paragraphs (1) and  
20 (2) of subsection (a), and not later than 120 days  
21 after the date of enactment of subsection (a)(3) with  
22 regard to the area described in subsection (a)(3)”;

23 (2) in subsection (c), by inserting before the pe-  
24 riod the following: “with regard to the areas de-  
25 scribed in paragraphs (1) and (2) of subsection (a),

1       and as of the date of enactment of subsection (a)(3)  
2       with regard to the area described in subsection  
3       (a)(3)”; and

4               (3) in the last sentence of subsection (d), by in-  
5       serting before the period the following: “with regard  
6       to the areas described in paragraphs (1) and (2) of  
7       subsection (a), and not later than 2 years after the  
8       date of enactment of subsection (a)(3) with regard  
9       to the area described in subsection (a)(3)”.

10       (c) EXCHANGES FOR INDIAN LANDS.—Section 105  
11       of the San Juan Basin Wilderness Protection Act of 1984  
12       (98 Stat. 3157) is amended by adding at the end the fol-  
13       lowing new subsection:

14       “(d)(1) The Secretary of the Interior shall exchange  
15       any lands held in trust for the Navajo Tribe by the Bureau  
16       of Indian Affairs that are within the boundary of the area  
17       described in subsection (a)(3).

18       “(2) The lands shall be exchanged for lands within  
19       New Mexico approximately equal in value that are selected  
20       by the Navajo Tribe.

21       “(3) After the exchange, the lands selected by the  
22       Navajo Tribe shall be held in trust by the Secretary of  
23       the Interior in the same manner as the lands described  
24       in paragraph (1).”.

1 **SEC. 3. FOSSIL FOREST RESEARCH NATURAL AREA.**

2 Section 103 of the San Juan Basin Wilderness Pro-  
3 tection Act of 1984 (98 Stat. 3156) is amended to read  
4 as follows:

5 **“SEC. 103. FOSSIL FOREST RESEARCH NATURAL AREA.**

6 “(a) ESTABLISHMENT.—To conserve and protect  
7 natural values and to provide scientific knowledge, edu-  
8 cation, and interpretation for the benefit of future genera-  
9 tions, there is established the Fossil Forest Research Nat-  
10 ural Area (referred to in this section as the ‘Area’), con-  
11 sisting of the approximately 2,770 acres in the Farming-  
12 ton District of the Bureau of Land Management, New  
13 Mexico, as generally depicted on a map entitled ‘Fossil  
14 Forest’, dated June 1983.

15 “(b) MAP AND LEGAL DESCRIPTION.—

16 “(1) IN GENERAL.—As soon as practicable  
17 after the date of enactment of this paragraph, the  
18 Secretary of the Interior shall file a map and legal  
19 description of the Area with the Committee on En-  
20 ergy and Natural Resources of the Senate and the  
21 Committee on Natural Resources of the House of  
22 Representatives.

23 “(2) FORCE AND EFFECT.—The map and legal  
24 description described in paragraph (1) shall have the  
25 same force and effect as if included in this Act.

1           “(3) TECHNICAL CORRECTIONS.—The Sec-  
2       retary of the Interior may correct clerical, typo-  
3       graphical, and cartographical errors in the map and  
4       legal description subsequent to filing the map pursu-  
5       ant to paragraph (1).

6           “(4) PUBLIC INSPECTION.—The map and legal  
7       description shall be on file and available for public  
8       inspection in the Office of the Director of the Bu-  
9       reau of Land Management, Department of the Inte-  
10      rior.

11      “(c) MANAGEMENT.—

12           “(1) IN GENERAL.—The Secretary of the Inte-  
13      rior, acting through the Director of the Bureau of  
14      Land Management, shall manage the Area—

15           “(A) to protect the resources within the  
16      Area; and

17           “(B) in accordance with—

18           “(i) this Act;

19           “(ii) the Federal Land Policy and  
20      Management Act of 1976 (43 U.S.C. 1701  
21      et seq.); and

22           “(iii) other applicable provisions of  
23      law.

24      “(2) MINING.—

1           “(A) WITHDRAWAL.—Subject to valid ex-  
2           isting rights, the lands within the Area are  
3           withdrawn from all forms of appropriation  
4           under the mining laws and from disposition  
5           under all laws pertaining to mineral leasing,  
6           geothermal leasing, and mineral material sales.

7           “(B) COAL PREFERENCE RIGHTS.—The  
8           Secretary of the Interior is authorized to issue  
9           coal leases in New Mexico in exchange for any  
10          preference right coal lease application within  
11          the Area. Such exchanges shall be made in ac-  
12          cordance with applicable existing laws and regu-  
13          lations relating to coal leases after a determina-  
14          tion has been made by the Secretary that the  
15          applicant is entitled to a preference right lease  
16          and that the exchange is in the public interest.

17          “(C) OIL AND GAS LEASES.—Operations  
18          on oil and gas leases issued prior to the date of  
19          enactment of this paragraph shall be subject to  
20          the applicable provisions of Group 3100 of title  
21          43, Code of Federal Regulations (including sec-  
22          tion 3162.5–1), and such other terms, stipula-  
23          tions, and conditions as the Secretary of the In-  
24          terior considers necessary to avoid significant  
25          disturbance of the land surface or impairment



1 of the natural, educational, and scientific re-  
2 search values of the Area in existence on the  
3 date of enactment of this paragraph.

4 “(3) GRAZING.—Livestock grazing on lands  
5 within the Area may not be permitted.

6 “(d) INVENTORY.—Not later than 3 full fiscal years  
7 after the date of enactment of this subsection, the Sec-  
8 retary of the Interior, acting through the Director of the  
9 Bureau of Land Management, shall develop a baseline in-  
10 ventory of all categories of fossil resources within the  
11 Area. After the inventory is developed, the Secretary shall  
12 conduct monitoring surveys at intervals specified in the  
13 management plan developed for the Area in accordance  
14 with subsection (e).

15 “(e) MANAGEMENT PLAN.—

16 “(1) IN GENERAL.—Not later than 5 years  
17 after the date of enactment of this Act, the Sec-  
18 retary of the Interior shall develop and submit to the  
19 Committee on Energy and Natural Resources of the  
20 Senate and the Committee on Natural Resources of  
21 the House of Representatives a management plan  
22 that describes the appropriate uses of the Area con-  
23 sistent with this Act.

24 “(2) CONTENTS.—The management plan shall  
25 include—

1           “(A) a plan for the implementation of a  
2 continuing cooperative program with other  
3 agencies and groups for—

4                 “(i) laboratory and field interpreta-  
5 tion; and

6                 “(ii) public education about the re-  
7 sources and values of the Area (including  
8 vertebrate fossils);

9           “(B) provisions for vehicle management  
10 that are consistent with the purpose of the Area  
11 and that provide for the use of vehicles to the  
12 minimum extent necessary to accomplish an in-  
13 dividual scientific project;

14           “(C) procedures for the excavation and col-  
15 lection of fossil remains, including botanical fos-  
16 sils, and the use of motorized and mechanical  
17 equipment to the minimum extent necessary to  
18 accomplish an individual scientific project; and

19           “(D) mitigation and reclamation standards  
20 for activities that disturb the surface to the det-  
21 riment of scenic and environmental values.”.

